

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Art Unit 3625

Davis et al.

Confirmation No. 5321

Application No.: 09/502,542

Filed: February 10, 2000

For: METHOD AND SYSTEM FOR
FACILITATING ON-LINE SHOPPING

VIA ELECTRONIC FILING

Examiner: M. Fadok

Date: April 10, 2009

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Responsive to the Restriction Requirement mailed April 6, 2009, applicants provisionally elect to pursue the claims of Group III (claims 26, 33).

However, the Restriction Requirement is traversed.

It is not clear that the Office has met its *prima facie* burden of showing that the respective sets of claims are both independent and distinct. Moreover, even if the claims are independent and distinct, it is not believed that maintaining all claims in a single application would be unduly burdensome on the Office. Indeed, they were previously examined together.

Still further, it appears the restriction requirement may be based on a mistaken understanding of the claims. For example, many of the groups are described with reference to “a customized catalog.” No such language appears in applicants’ claims.

Yet further, applicants note that all of the claims – except claim 31 – are said to be classified in the identical PTO classification (i.e., class 705, subclass 27).

In view of the foregoing, withdrawal of the restriction requirement is requested.

If the restriction requirement is made final, applicants authorize the Examiner to cancel the non-elected claims by Examiner’s Amendment.

Date: April 10, 2009

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Respectfully submitted,
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